IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JODHPUR

::::

JUDGMENT

Mahesh Kumar & Anr. VS State of Rajasthan & Ors.

D.B. CIVIL SPECIAL APPEAL (W) NO.867/1994

AGAINST THE ORDER DATED 19.9.1994 IN S.B. CIVIL WRIT PETITION NO.2189/1994

DATE OF ORDER :: 11.8.2006

PRESENT
HON'BLE SHRI S.N. JHA, C.J.
HON'BLE SHRI MOHAMMAD RAFIQ, J.

Mr.Manish Shishodia, for the appellants.
Mr.M.R. Singhvi]
Mr.K.L. Jasmatiya]
Mr.Bharat Dutt Sharma], for the respondents.

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This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellants which they had preferred against the order of the Director, Local Bodies dated 28.1.1994 in Case No.53/40/DLB/93.

The appeal was heard at length. In course of hearing, Shri M.R. Singhvi, learned counsel for respondent no.1 Smt. Sunita Devi fairly

agreed that the matter may be sent back to the Director, Local Bodies for fresh decision. In view of the fair stand taken by Shri Singhvi, it is not necessary to set out facts of the case or refer to the dispute thus the appeal is disposed of in the following terms:

The order of the Director, Local Bodies dated 28.1.1994 is set aside and, consequently, the order of the learned Single dated 19th Sept., 1994 is also set aside.

The parties including the Municipal Board, Mount Abu shall appear before the authority i.e. Director, Local Bodies on 4th Sept., 2006. The appellants shall file their reply on that date. The appellants shall also furnish a copy of the proposed reply to Shri M.R. Singhvi by 4th Sept., 2006. Respondent no.4, if so advised, may file rejoinder by 11th Sept., 2006. It will be open to the Director, Local Bodies to call for the record of the Municipal Board. The matter will be taken up by the Director, Local Bodies for final disposal and decided latest by 10th Nov., 2006.

This appeal is accordingly disposed of.

Registry to send a copy of this order to the Director, Local Bodies forthwith.

(MOHAMMAD RAFIQ), J. **(S.N. JHA), CJ.**

c.p.goyal/-